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10/029,279	12/28/2001	Jung-Hwan Kim	P-0280	4091
34610	7590	10/18/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			SOL, ANTHONY M	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/029,279

Applicant(s)

KIM, JUNG-HWAN

Examiner

Anthony Sol

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-11, 13-15, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,832,384 ("Balachandran") in view of U.S. Patent No. 6,212,388 B1 ("Seo").

Regarding claim 1,

Balachandran discloses an invention where a first communication network (CDMA Channels) on which a second communication communications network (Extended Channels) has been overlaid that determine which channels from among a number of available channels should be selected for transmitting information (Col. 6, lines 24-31). Balachandran further discloses that five channel lists are generated and maintained. The first list includes each of the channels that are assigned for use by either the first or the second communications network (Col. 6, lines 44-45, 52-55). The second list is a subset of the first list. Balachandran further discloses that the channels currently not occupied by the first communications network (CDMA Channel List) are included in the second list (Extended CDMA Channel List) for use by the second communications network (Col. 7, lines 18-23; claim 1 – determining whether a

frequency exists on each of a CDMA Channel List and an Extended CDMA Channel List when a service frequency of a base station is changed).

Balachandran does not disclose copying a frequency allocated to the Extended CDMA Channel List to the CDMA Channel List if the frequency is determined not to exist on the CDMA Channel List and copying a frequency allocated to the CDMA Channel List to the Extended CDMA Channel List if the frequency is determined not to exist on the Extended CDMA Channel List.

Seo discloses that that the invention makes it possible for the new FA to be available apart from the previously existing FA. Seo further discloses a combined channel list comprising the information of all FAs, which are presently serviceable by the BTS, including the new FA (Col. 6, lines 52-54; claim 1 – copying a frequency allocated to the Extended CDMA Channel List to the CDMA Channel List if the frequency is determined not to exist on the CDMA Channel List; claim 1 - copying a frequency allocated to the CDMA Channel List to the Extended CDMA Channel List if the frequency is determined not to exist on the Extended CDMA Channel List).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention was made to modify the channel lists of Balachandran to include the capabilities of copying a frequency allocated to a channel list to generate a new combined channel list as taught by Seo so that information can be transmitted via channels from among a number of available channels by the second communications network without impacting the first communications network while achieving efficiency within the second communications network (Balachandran, Col. 6, lines 28-32). One

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skilled in the art would have been motivated to combine Balachandran with Seo (collectively "Balachandran-Seo") to generate the claimed invention with a reasonable expectation of success.

3. Regarding claims 2, 4, and 11,

Balachandran-Seo discloses a method that covers all the limitations of the parent claim.

Balachandran-Seo discloses that the BTS transmits the combined channel list to the mobile station (Seo, col. 6, lines 57-58; claim 2 – transmitting the CDMA and Extended CDMA Channel Lists to a mobile terminal; claim 4 - transmitting the CDMA Channel List by including in the CDMA Channel List the frequency allocated to the Extended CDMA Channel List if the frequency exists on both of the CDMA and Extended CDMA Channel Lists; claim 11 – transmitting the Extended CDMA Channel List to which the frequency is copied to a mobile terminal).

4. Regarding claim 5,

Balachandran-Seo discloses a method that covers all the limitations of the parent claim.

Balachandran-Seo discloses that if the channel number for new FA in the new channel list is assigned as one of primary, secondary, or normal, it is determined as to whether an updated information of the channel list exists or not (Seo, col.3, lines 32-35;

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claim 5 - determining whether the CDMA Channel List has been changed; claim 5 - determining whether the prescribed frequency exists on the CDMA Channel List when the CDMA Channel List is determined to have been changed).

Balachandran-Seo discloses that the second list is a subset of the first list.

Balachandran-Seo further discloses that the channels currently not occupied by the first communications network (CDMA Channel List) are included in the second list (Extended CDMA List) for use by the second communications network (Balachandran, col. 7, lines 18-23; claim 5 – determining whether the prescribed frequency exists on the Extended CDMA Channel List when the prescribed frequency fails to exist on the CDMA Channel List).

Balachandran-Seo further discloses that a combined channel list comprising the information of all FAs, which are presently serviceable by the BTS, including the new FA (Seo, col. 6, lines 52-54; claim 5 – copying the prescribed frequency allocated to the Extended CDMA Channel List to the CDMA Channel List when the prescribed frequency exists on the Extended CDMA Channel List).

5. Regarding claim 6,

Balachandran-Seo discloses a method that covers all the limitations of the parent claim.

Balachandran-Seo discloses that if the channel number for new FA in the new channel list is assigned as one of primary, secondary, or normal, it is determined as to whether an updated information of the channel list exists or not (Seo, col.3, lines 32-35;

claim 6 - determining whether the Extended CDMA Channel List has been changed;  
claim 6 - determining whether the prescribed frequency exists on the changed Extended CDMA Channel List).

Balachandran-Seo discloses that the second list is a subset of the first list.

Balachandran-Seo further discloses that the channels currently not occupied by the first communications network (CDMA Channel List) are included in the second list (Extended CDMA List) for use by the second communications network (Balachandran, col. 7, lines 18-23; claim 6 – determining whether the prescribed frequency exists on the CDMA Channel List when the prescribed frequency is determined not to exist on the Extended CDMA Channel List). It is inherent that since the second list is a subset of the first list, that changing the second list changes the first list (Claim 6 – changing items of the CDMA Channel List such that items of the Extended channel list are changed on the CDMA Channel List when the Extended CDMA Channel List is changed).

Balachandran-Seo further discloses that a combined channel list comprising the information of all FAs, which are presently serviceable by the BTS, including the new FA (Seo, col. 6, lines 52-54; claim 6 – copying the prescribed frequency allocated to the CDMA Channel List to the Extended CDMA Channel List when the prescribed frequency exists on the CDMA Channel List).

6. Regarding claim 7,

Balachandran discloses that the second list is a subset of the first list.

Balachandran further discloses that the channels currently not occupied by the first

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communications network (CDMA Channel List) are included in the second list (Extended CDMA List) for use by the second communications network (Balachandran, col. 7, lines 18-23; claim 7 – determining whether the prescribed frequency exists on the Extended CDMA Channel List when the prescribed frequency fails to exist on the CDMA Channel List).

Balachandran does not disclose determining whether a CDMA Channel List has been changed, determining whether a prescribed frequency exists on the CDMA Channel List when the CDMA Channel List is determined to have been changed, nor copying the prescribed frequency allocated to the Extended CDMA Channel List to the CDMA Channel List when the prescribed frequency exists on the Extended CDMA Channel List.

Seo discloses that if the channel number for new FA in the new channel list (CDMA Channel List) is assigned as one of primary, secondary, or normal, it is determined as to whether an updated information of the channel list exists or not (Col.3, lines 32-35; claim 7 - determining whether a CDMA Channel List has been changed; claim 7 - determining whether a prescribed frequency exists on the CDMA Channel List when the CDMA Channel List is determined to have been changed).

Seo further discloses a combined channel list comprising the information of all FAs, which are presently serviceable by the BTS, including the new FA (Col. 6, lines 52-54; claim 7 – copying the prescribed frequency allocated to the Extended CDMA Channel List to the CDMA Channel List when the prescribed frequency exists on the Extended CDMA Channel List).



It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention was made to modify the channel lists of Balachandran to include the capabilities of determining whether an updated information of the channel list exists or not and the capability to combine channel list comprising all FAs as taught by Seo that information can be transmitted via channels from among a number of available channels by the second communications network without impacting the first communications network while achieving efficiency within the second communications network (Balachandran, Col. 6, lines 28-32). One skilled in the art would have been motivated to combine Balachandran with Seo (collectively "Balachandran-Seo") to generate the claimed invention with a reasonable expectation of success.

7. Regarding claims 8, 9, 13,

Balachandran-Seo discloses a method that covers all the limitations of the parent claim.

Balachandran-Seo discloses that the BTS transmits the combined channel list to the mobile station. The combined channel list could be either CDMA Channel List or Extended CDMA Channel List (Seo, col. 6, lines 57-58; claim 8 – transmitting the CDMA Channel Lists to which the frequency has been copied to a mobile terminal; claim 9 - transmitting the changed CDMA Channel List as is to a mobile terminal if the prescribed frequency exists on the CDMA Channel List; claim 13 – transmitting the changed Extended CDMA Channel List as is to a mobile terminal if the prescribed frequency exists on the Extended Channel List).

8. Regarding claim 10,

Balachandran discloses that the second list is a subset of the first list.

Balachandran further discloses that the channels currently not occupied by the first communications network (CDMA Channel List) are included in the second list (Extended CDMA List) for use by the second communications network (Col. 7, lines 18-23; claim 10 – determining whether the prescribed frequency exists on the CDMA Channel List when the prescribed frequency is determined not to exist on the Extended CDMA Channel List). It is inherent that since the second list is a subset of the first list, that changing the second list changes the first list (Claim 10 – changing items of the CDMA Channel List in a manner identical to the Extended channel if it is determined that the Extended CDMA Channel List has been changed).

Balachandran does not disclose determining whether the Extended CDMA Channel List has been changed, determining whether the prescribed frequency exists on the changed Extended CDMA Channel List, nor copying the prescribed frequency allocated to the CDMA Channel List to the Extended CDMA Channel List when the prescribed frequency exists on the CDMA Channel List

Seo discloses that if the channel number for new FA in the new channel list (Extended CDMA Channel List) is assigned as one of primary, secondary, or normal, it is determined as to whether an updated information of the channel list exists or not (Col.3, lines 32-35; claim 10 - determining whether the Extended CDMA Channel List

has been changed; claim 10 - determining whether the prescribed frequency exists on the changed Extended CDMA Channel List).

Seo further discloses a combined channel list comprising the information of all FAs, which are presently serviceable by the BTS, including the new FA (Col. 6, lines 52-54; claim 10 – copying the prescribed frequency allocated to the CDMA Channel List to the Extended CDMA Channel List when the prescribed frequency exists on the CDMA Channel List).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention was made to modify the channel lists of Balachandran to include the capabilities of determining whether an updated information of the channel list exists or not and the capability to combine channel list of all FAs as taught by Seo so that information can be transmitted via channels from among a number of available channels by the second communications network without impacting the first communications network while achieving efficiency within the second communications network (Balachandran, Col. 6, lines 28-32). One skilled in the art would have been motivated to combine Balachandran with Seo (collectively “Balachandran-Seo”) to generate the claimed invention with a reasonable expectation of success.

9. Regarding claim 14,

Balachandran discloses an invention where a first communication network (CDMA Channels) on which a second communication communications network (Extended Channels) has been overlaid that determine which channels from among a

number of available channels should be selected for transmitting information (Col. 6, lines 24-31; claim 14 – transmitting each of the CDMA Channel List and the Extended CDMA Channel List to at least one mobile terminal). Balachandran further discloses that five channel lists are generated and maintained. The first list includes each of the channels that are assigned for use by either the first or the second communications network (Col. 6, lines 44-45, 52-55). The second list is a subset of the first list. Balachandran further discloses that the channels currently not occupied by the first communications network (CDMA Channel List) are included in the second list (Extended CDMA List) for use by the second communications network (Col. 7, lines 18-23).

Balachandran does not disclose updating a CDMA Channel list to include a frequency allocated on an Extended CDMA Channel list nor updating the Extended CDMA Channel list to include a frequency allocated to the CDMA Channel list.

Seo discloses that that the invention makes it possible for the new FA to be available apart from the previously existing FA. Seo further discloses that a combined channel list comprising the information of all FAs, which are presently serviceable by the BTS, including the new FA (Col. 6, lines 52-54; claim 14 – updating a CDMA Channel list to include a frequency allocated on an Extended CDMA Channel list; claim 14 - updating the Extended CDMA Channel list to include a frequency allocated to the CDMA Channel list).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention was made to modify the channel lists of Balachandran to include

the capabilities of updating a channel list to generate a new combined channel list as taught by Seo so that information can be transmitted via channels from among a number of available channels by the second communications network without impacting the first communications network while achieving efficiency within the second communications network (Balachandran, Col. 6, lines 28-32). One skilled in the art would have been motivated to combine Balachandran with Seo (collectively "Balachandran-Seo") to generate the claimed invention with a reasonable expectation of success.

10. Regarding claim 15,

Balachandran-Seo discloses a method that covers all the limitations of the parent claim.

Balachandran-Seo discloses that the second list is a subset of the first list. Balachandran-Seo further discloses that the channels currently not occupied by the first communications network (CDMA Channel List) are included in the second list (Extended CDMA List) for use by the second communications network. It is inherent that since the second list is a subset of the first list, that if an allocated frequency is removed from the channel list from which the allocated frequency originated, the other channel list is updated to remove the allocated frequency (Balachandran, col. 7, lines 18-23; claim 15 – If an allocated frequency is removed from the channel list from which the allocated frequency originated, the other channel list is updated to remove the allocated frequency).

11. Regarding claim 21,

Balachandran discloses an invention where a first communication network (CDMA Channels) on which a second communication communications network (Extended Channels) has been overlaid that determine which channels from among a number of available channels should be selected for transmitting information (Col. 6, lines 24-31). Balachandran further discloses that five channel lists are generated and maintained. The first list includes each of the channels that are assigned for use by either the first or the second communications network (Col. 6, lines 44-45, 52-55). The second list is a subset of the first list. Balachandran further discloses that the channels currently not occupied by the first communications network (CDMA Channel List) are included in the second list (Extended CDMA List) for use by the second communications network (Col. 7, lines 18-23).

Balachandran does not disclose transmitting a Synchronization Channel Message on a Synchronization Channel in a frequency which is related to a service capability of the base station, nor transmitting a CDMA Channel List and an Extended CDMA Channel List on a Paging Channel in the frequency.

Seo discloses that the mobile station and the BTS receive/transmit the voice information and data information with each other through a traffic channel. Seo further discloses that the forward channel consists of pilot channel, synchronous channel, paging channel and access channel, which are located in the overhead channel (Col. 2, lines 11-16; claim 21 - transmitting a Synchronization Channel Message on a

Synchronization Channel in a frequency which is related to a service capability of the base station).

Seo further discloses that the paging channel transmits system information, and other numerous messages in order to establish a call-setup to the mobile station. The BTS transmits all the system configuration and timing information to the mobile station. Seo further discloses that the system configuration information relating to FAs is called channel list message (Col. 2, lines 19-28; claim 21 - transmitting a channel list on a Paging Channel in the frequency).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention was made to modify the channel lists of Balachandran to include the capabilities of transmitting the voice and data information through a synchronous channel and the capability to transmit information relating to FAs through the paging channel so that information can be transmitted via channels from among a number of available channels by the second communications network without impacting the first communications network while achieving efficiency within the second communications network (Balachandran, Col. 6, lines 28-32). One skilled in the art would have been motivated to combine Balachandran with Seo (collectively "Balachandran-Seo") to generate the claimed invention with a reasonable expectation of success.

12. Regarding claim 22,

Balachandran-Seo discloses a method that covers all the limitations of the parent claim.

Balachandran-Seo discloses the mobile station selects a specific frequency to establish a communication link and to maintain the call (Seo, col.2, lines 25-26; claim 22 - the mobile station finally setting a service according to one of the CDMA Channel List and an Extended CDMA Channel List).

13. Regarding claim 23,

Balachandran-Seo discloses a method that covers all the limitations of the parent claim.

Balachandran-Seo discloses that the system configuration information relating to FAs is called channel list message, which contains information to determine whether the communication channel is active within that cell (Seo, col. 2, lines 27-30; claim 23 - the Extended CDMA Channel List includes an information related to the service capability of the base station which is not transmitted on Synchronization Channel).

14. Claims 3, 12, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balachandran in view of Seo, and in further view of admitted standards (IS-95, IS-95A, IS-95B, IS-2000), hereafter "Standards".

Regarding claims 3, 12, and 16,

Balachandran-Seo discloses a method that covers all the limitations of the parent claim.

Balachandran-Seo does not disclose that the mobile terminal is one of a second generation mobile terminal and a third generation mobile terminal.



The applicant has admitted that the mobile stations are allocated FAs according to the recommendation of IS-2000 where 1FA, 3FA, and 4FA are allocated for 2G mobile stations service and 2FA is allocated for 3G mobile station service (Application, pg. 1, para. 3; claims 3, 12 – the mobile terminal is one of a second generation mobile terminal and a third generation mobile terminal; claim 16 – the at least one mobile terminal is one of a second generation mobile terminal and a third generation mobile terminal).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention was made to modify the mobile station of Balachandran-Seo to be one of a second generation mobile terminal and a third generation mobile terminal so that the mobile terminal reflects the current wireless communications standards. One skilled in the art would have been motivated to combine Balachandran-Seo with Standards (collectively “Balachandran-Seo-Standards”) to generate the claimed invention with a reasonable expectation of success.

15. Regarding claim 17,

Balachandran discloses an invention where a first communication network (CDMA Channels) on which a second communication communications network (Extended Channels) has been overlaid that determine which channels from among a number of available channels of a base station should be selected for transmitting information (Col. 6, lines 24-31; claim 17 – a base station configured to allocate frequencies of a CDMA channel list and an Extended CDMA channel list).

Balachandran further discloses that five channel lists are generated and maintained.

The first list includes each of the channels that are assigned for use by either the first or the second communications network (Col. 6, lines 44-45, 52-55). The second list is a subset of the first list. Balachandran further discloses that the channels currently not occupied by the first communications network (CDMA Channel List) are included in the second list (Extended CDMA List) for use by the second communications network (Col. 7, lines 18-23).

Balachandran does not disclose that at least one mobile terminal configured to receive one of the CDMA channel list and the Extended CDMA channel list is one of a second generation terminal and a third generation terminal, nor does he disclose that the base station is configured to copy frequencies allocated on the CDMA channel list to the Extended CDMA channel list, and to copy frequencies allocated on the Extended CDMA channel list to the CDMA channel list.

Seo further discloses that the invention makes it possible for the new FA to be available apart from the previously existing FA. Seo further discloses a combined channel list comprising the information of all FAs, which are presently serviceable by the BTS, including the new FA (Col. 6, lines 52-54; claim 17 – copy frequencies allocated on the CDMA channel list to the Extended CDMA channel list, and to copy frequencies allocated on the Extended CDMA channel list to the CDMA channel list).

The applicant has admitted that the mobile stations are allocated FAs according to the recommendation of IS-2000 where 1FA, 3FA, and 4FA are allocated for 2G mobile stations service and 2FA is allocated for 3G mobile station service (Application, pg. 1,

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para. 3; claims 3, 12 – the mobile terminal is one of a second generation mobile terminal and a third generation mobile terminal; claim 17 – the mobile type is one of a second generation terminal and a third generation terminal).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention was made to modify the channel lists of Balachandran to include the capabilities of copying a frequency allocated to a channel list to generate a new combined channel list as taught by Seo so that information can be transmitted via channels from among a number of available channels by the second communications network without impacting the first communications network while achieving efficiency within the second communications network (Balachandran, Col. 6, lines 28-32). In addition, it would have been prima facie obvious to one of ordinary skill in the art at the time of the invention was made to modify the CDMA mobile telecommunications system channel lists as disclosed by Balachandran and Seo such that channel lists are received by a mobile terminal that is one of a second generation mobile terminal and a third generation mobile terminal as admitted by the applicant so that the mobile terminal reflects the current wireless communications standards. One skilled in the art would have been motivated to combine Balachandran with Seo, and further with Standards (collectively “Balachandran-Seo-Standards”) to generate the claimed invention with a reasonable expectation of success.

16. Regarding claims 18 and 19,

Balachandran-Seo-Standards discloses a system that covers all the limitations

of the parent claim.

Balachandran-Seo-Standards discloses that the second list is a subset of the first list. Balachandran-Seo further discloses that the channels currently not occupied by the first communications network (CDMA Channel List) are included in the second list (Extended CDMA List) for use by the second communications network. It is inherent that since the second list is a subset of the first list, that if an allocated frequency is removed from the channel list from which the allocated frequency originated, the other channel list is updated to remove the allocated frequency (Balachandran, col. 7, lines 18-23; claim 18 - if the Extended CDMA channel list is changed, the base station is configured to update the CDMA channel list to reflect the change to the Extended CDMA channel list; claim 19 - if the CDMA channel list is changed, the base station is configured to update the Extended CDMA channel list to reflect the change to the CDMA channel list).

17. Regarding claim 20,

Balachandran-Seo-Standards discloses a system that covers all the limitations of the parent claim.

The applicant has admitted that the mobile stations are allocated FAs according to the recommendation of IS-2000 where 1FA, 3FA, and 4FA are allocated for 2G mobile stations service and 2FA is allocated for 3G mobile station service (Application, pg. 1, para. 3).

Furthermore, Balachandran discloses an invention where a first communication network (CDMA Channels) on which a second communication communications network (Extended Channels) has been overlaid that determine which channels from among a number of available channels should be selected for transmitting information (Col. 6, lines 24-31). Balachandran further discloses that five channel lists are generated and maintained. The first list includes each of the channels that are assigned for use by either the first or the second communications network (Col. 6, lines 44-45, 52-55). The second list is a subset of the first list. Balachandran further discloses that the channels currently not occupied by the first communications network (2G) are included in the second list (3G) for use by the second communications network. Thus, the first communications network can use the CDMA channel list and the second network can use the Extended CDMA channel list. (Col. 7, lines 18-23; claim 20 - the 2G terminal is configured to receive the CDMA channel list and the 3G terminal is configured to receive the Extended CDMA channel list).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Sol whose telephone number is (571) 272-5949. The examiner can normally be reached on M-F 7:30am - 4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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10/13/2005



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SUPERVISORY PATENT EXAMINER  
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